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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/089,400 | 08/12/2002 | Kunio Kawaguchi | 450101-03365 | 4955 |
| 20/999 7590 06/03/2011 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151 | | | | |
| EXAMINER | | | | |
| HAMZA, FARUK | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2442 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/089,400

Applicant(s)

KAWAGUCHI ET AL.

Examiner

FARUK HAMZA

Art Unit

2442

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-22 is/are pending in the application.
- 4a) Of the above claim(s) 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the RCE filed on May 02, 2011. Claims 21 and 22 have been amended. Claim 20 has been withdrawn. The applicant is respectfully requested to cancel the withdrawn claim.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 02, 2011 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merriman et al. (U.S. Patent Number 7,039,599) hereinafter referred as Merriman and in view of Cohn et al. (U.S. Patent Number 6,308,202) hereinafter referred as Cohn and further in view of Jacobs et al. (U.S. Pub. No. 2007/0005428) hereinafter referred as Jacobs.

As to claim 21, Merriman teaches a client apparatus comprising:
an acquisition unit to receive picture information and related information as a single handling unit, wherein the predetermined operation is processed as a single unit in response to a related operation command, wherein the predetermined operation is one or more instructions, and corresponds with a respective related information, and wherein each of a plurality of operations comprise a specific predetermined operation and instructions (Column 4, lines 66-Column 5, lines 6, lines 51-59);

a recording unit to store the single handling unit in a first memory;
a user interface for displaying the picture information and allowing the user to select the picture information which stores the single handling unit a second memory (Column 4, lines 66-Column 5, lines 6, lines 51-59);

a notifying unit for notifying a server that the client received and stored the single handling unit of picture information and related information (Column 4, lines 14-30); and

an updating permission/negation unit for determining permission/negation of updating of the related information in accordance with the updating condition information (Column 5, lines 1427).

Merriman does not explicitly teach the claim limitation of in response to selection of the picture image, at least one related information; a processor to execute processing of first corresponding predetermined operation based on the at least one related information and in the case where there exist plural related

information, executing processing second corresponding predetermined operation based on a selected one of the related information.

However, Cohn discloses a system for targeting information on a computer network. The system involves categorizing a plurality of address pointers according to the content designated by the address pointer (abstract). Chon teaches the claim limitation of in response to selection of the picture image, at least one related information; a processor to execute processing of first corresponding predetermined operation based on the at least one related information and in the case where there exist plural related information, executing processing second corresponding predetermined operation based on a selected one of the related information (Column 7, lines 4-36).

It would have been obvious to the ordinary skill in the art at the time of the invention to modify the system of Merriman by incorporating Cohn's teaching targeting advertising on a computer network according to category of the address pointer because that would allow the advertisers to direct a message to particular user rather than to all users or a random subset of all users.

Marriman and Cohn do not explicitly teach the claim limitation of "receive an information picture from an information picture providing server, the information picture including a picture image, related information and time limit information".

However, Jacobs teaches the claim limitation of receive an information picture from an information picture providing server, the information picture

including a picture image, related information and time limit information (abstract, P[0241]).

It would have been obvious to the ordinary skill in the art at the time of the invention to modify the combined system of Merriman and Cohn by incorporating Jacobs's teaching of time limit for each advertisement. Motivation comes from common knowledge in the art that it would enable the system for scheduling and controlling dynamic display of marketing campaigns.

Claim 22 does not teach or define any new limitation other than above claim 21. Therefore, claim 22 is rejected for similar reason.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context.

Response to Arguments

4. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll –free).

Faruk Hamza

Primary Examiner

Group Art Unit 2442

/Faruk Hamza/
Primary Examiner, Art Unit 2442